

# The Chantry School Complaints Procedure

## Policy Review Sheets

POLICY NAME	School Complaints Procedure
IN CHARGE:	Andrew Dickenson
REVIEWED (Date):	July 2017
PUPILS CONSULTED (Yes or N/A):	N/A
HOW:	
PARENTS CONSULTED (Yes or N/A):	N/A
HOW:	
STAFF CONSULTED (Yes or N/A):	N/A
HOW:	
GOVERNORS CONSULTED (Yes or N/A):	FGB Jul 2017
HOW:	
WHERE IS POLICY ADVERTISED:	Website
Notes.	
1. This sheet should be at the front of each policy in the School Handbook	
2. If it is not appropriate to consult with any of the above parties write 'N/A' rather than No.	

# The Chantry School Complaints Procedure

## INTRODUCTION

This procedure will apply to most general complaints received by the school. It is not intended to cover those matters for which there is a specific statutory process to object, complain or appeal. Examples of these include the separate procedures that exist for appeals about special needs assessments, school admissions, exclusions, matters that may require a Child Protection Investigation, staff grievances and disciplinary procedures. Guidance on dealing with complaints linked to racism is contained in Annex B. Where a separate procedure is available, this will be used.

For complaints from parents of pupils, this procedure must comply with The Education (Independent School Standards) Regulations 2010 and offers

- an opportunity to resolve the complaint with the academy on an informal basis, for example through discussion with a senior member of staff (stage 1)
- a formal complaint stage when the complaint is made in writing (stage 2); and
- a hearing with a panel set up by the academy trust, comprising at least three people not directly involved in the matters detailed in the complaint, one of whom must be independent of the management and running of the school (stage 3). Parents must be allowed to attend the panel and be accompanied if they wish.

The school will make parents aware of the existence of this complaints procedure by making it available on the website.

## GENERAL PRINCIPLES

The resolution of a complaint provides the potential opportunity for the school to improve its practice and develop further a strong partnership with parents.

The complaints procedure should be easily accessible and well publicised, so that parents know how to raise concerns.

It is desirable for any concern/complaint to be addressed by a member of staff at a level closest to the cause for the concern.

Procedures should be as speedy as possible, consistent with fairness to all

A complaint is distinct from any formal disciplinary procedure. Staff who may be questioned as part of a complaints procedure must be treated fairly and have an opportunity to put their case. They should be offered support in responding to any investigation into a complaint.

If it becomes apparent to the Headteacher or Chair of Governors that the parent's concern/complaint has the potential to be a disciplinary issue, professional advice should be immediately sought, and the appropriate disciplinary procedure adhered to. Advice may also be available from the Education Funding Agency.

Confidentiality is important in securing the confidence of all concerned. Conversations and correspondence must be treated with discretion. Parents need to feel confident that a complaint will not disadvantage their child. However, the parties to a complaint should realise that some information may have to be shared to carry out a thorough investigation.

If the investigation of a complaint shows that it is justified, then the school should consider how to make amends in an appropriate way.

Staff and governors in academies should have the opportunity to take part in training or briefing to raise their awareness of the procedures and develop their skills in dealing with people who wish to complain.

# The Chantry School Complaints Procedure

All complaints should be recorded and monitored to identify issues and allow any lessons to be learned by the school.

Every complaint should be acknowledged as "genuinely felt" by the complainant.

Governors should not be involved at early stages of complaints procedures and, should they be approached by parents, must direct them to raise their concern with the appropriate member of staff, or the Headteacher.

## **TIMELINESS**

Complaints need to be considered and resolved as quickly and efficiently as possible. This policy sets clear time frames in which the school must respond at each stage. Where new investigations are required, new time limits will be set and the complainant sent details of the new deadline and the reason for the delay.

The Chantry School expects that complaints are made as soon as possible after an incident arises. Any complaint raised more than three months after an incident, or of evidence coming to light, will not be considered due to the difficulty in investigating and establishing facts.

Exceptions to this will be considered on a case by case basis if, for example, health circumstances had prevented a complainant contacting the school.

Complainants who begin a complaints procedure but do not respond to postal correspondence within 1 month will have deemed their complaint dismissed.

## **PROCEDURE**

### **Stage 1 – Complaint heard by staff member**

#### **GUIDELINES**

The vast majority of concerns and complaints can be resolved informally, often straight away by the class teacher, Head of Department/Year, or Headteacher (or DHT / AHT).

The Chantry School aims to ensure that parents feel able to raise concerns with staff without undue formality, either in person, by telephone or in writing. There may be occasions when it is appropriate or helpful for someone to accompany or act on behalf of a parent.

Parents may not be clear at first that they are making a complaint. They may wish to ask a question or express an opinion. A preliminary discussion with school staff will usually clarify the issue and help parents to decide whether they wish to take the matter further.

#### **PROCEDURE**

1. Parents should have an opportunity for informal discussion of their concerns with an appropriate member of staff. This discussion should aim to clarify the nature of the parent's concern and assure them that the school wishes to hear about it. The discussion should also aim to clarify what kind of outcome the parent is seeking.
2. If the member of staff first contacted cannot deal with the matter immediately, s/he should make a firm arrangement to deal with it at a future date or refer the matter to the Headteacher or another appropriate member of staff, usually Head of Department or Head of Year. In either case a note of the name, date and contact details of the complainant should be taken.
3. Staff should seek advice from their line manager if they are unsure of how to deal with the matter raised. Any matter that could potentially result in the following should be referred immediately to the Headteacher: legal or insurance claim, action under the staff disciplinary procedures, child protection matters, complaints relating to employment practice.
4. If the concern relates to the Headteacher then the complaint should be raised with the Chair of Governors, via the Clerk to the Governing Body. This must be communicated in writing with clear and precise nature of concern or complaint against the Headteacher and all the relevant evidence that support it.

# The Chantry School Complaints Procedure

5. The staff member dealing with the complaint should make sure that the complainant is clear about what will happen next (if anything). This should be put in writing if it seems the best way of making the next steps or outcome clear.
6. If no satisfactory solution has been found, the complainant should be informed about how they should proceed if they wish to take their complaint further. They should be informed of any advice and support that may be available to them.

## **Stage 2 - FORMAL COMPLAINT TO HEADTEACHER OR CHAIR OF GOVERNORS GUIDELINES**

The Headteacher (or Deputy Headteacher in his/her absence) needs to determine who has responsibility for responding to a formal complaint, including the decision about his/her own involvement at various stages.

Individuals on the governing body should not become involved at this stage to avoid prejudicing their possible future involvement.

## **PROCEDURE**

1. Parents who wish to pursue a formal complaint at Stage Two should be asked to put the complaint, relevant evidence and their desired outcome in writing to the Headteacher (or Chair of Governors if the complaint relates to the Headteacher). A suitable form for this can be found in Annex C. The Headteacher (or Chair of Governors if the complaint relates to the Headteacher) should acknowledge the complaint orally or in writing within three days of receipt giving a brief explanation of the complaints procedures and a target date for providing a response. This should be within ten school days. If it is not possible to deal with the matter in this time, the complainant should be informed of when it is likely to be concluded.
2. The Headteacher (or Chair of Governors if the complaint relates to the Headteacher) will usually offer an opportunity for the complainant to meet him/her. The complainant should, if she/he wishes, be allowed to be accompanied by a friend or relative who can speak on his/her behalf. The aim at this stage is to resolve the issue to the satisfaction of all parties without recourse to Stage 3 procedures.
3. If necessary, the Headteacher (or Chair of Governors if the complaint relates to the Headteacher) should interview any witnesses and take statements from those involved. If the complaint concerns a student, the student should also be interviewed, normally with parent/guardian present. In some circumstances this may not be possible or appropriate and a senior member of staff with whom the student feels comfortable should attend with him/her. If a member of staff is complained against, the needs of that person should be borne in mind. Advice may need to be sought from professionals or from the Education Funding Agency.
4. The Headteacher (or Chair of Governors if the complaint relates to the Headteacher) should keep written records of meetings, telephone conversations and other documentation.
5. Once all the relevant facts have been established, the Headteacher (or Chair of Governors if the complaint relates to the Headteacher) should either write to the complainant or arrange a meeting to discuss or resolve the matter. This meeting should be followed up within 10 school days with a letter summarising the outcome of the meeting. The complainant should be advised in this letter that if they remain unhappy with the outcome, s/he may appeal to a panel of governors. The complainant should notify the Chair of Governors within 10 school days of receiving the letter detailing the outcome of the complaint.

# The Chantry School Complaints Procedure

## Stage 3 - APPEAL TO PANEL OF GOVERNORS

### GUIDELINES

Complaints only rarely reach the appeal stage. At this stage, the Chair of Governors may wish to seek advice from professional personnel and/or the Education Funding Agency.

The aim of the appeal to a panel of governors is to resolve the complaint and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action, and to satisfy the complainant that their complaint has been taken seriously.

It is important, should a complaint reach the appeal stage that the governing body is impartial and independent and is seen to be so. Individual complaints should not be considered by the full governing body. The governing body will, therefore, establish a panel to deal with complaints by nominating a pool of governors from which two can be drawn for any hearing and an independent member not involved with the management or running of the school.

Panel members should have had no prior involvement with the complaint. Generally, the Chair of Governors is not on the panel as s/he may be involved at the earlier stage. Governing bodies should have regard to the advantages of having a mix of types of governor on the panel and be sensitive to issues of equal opportunity in the composition of the panel.

Individual governors should not get involved in looking into complaints before this stage to avoid prejudicing their potential involvement. If individual governors are approached by parents or others with complaints, they should refer the complainant to the school complaints procedure, making the necessary introduction to a member of staff or Headteacher if appropriate.

Complaints that reach the appeal stage will do so because the complainant is not satisfied with the response so far. In this situation it is perhaps helpful for the governing body to view any complaint as being against the school rather than an individual staff member whose actions may have led to the original complaint.

### PROCEDURE

Upon receipt of a written request from the complainant for the complaint to proceed to Stage Three, the following procedure should be followed. A suitable clerk to the panel should be appointed.

1. The clerk should write, within 5 school days, acknowledging receipt of the written request, informing the complainant that a committee of the governing body will hear it within 15 school days of receipt.
2. The clerk should convene a meeting of the complaints committee at a time that is convenient for the complainant and the school.
3. The clerk should ensure that the complainant, Headteacher and any other witnesses are given at least five school days notice in writing of the date, time and place of the hearing or otherwise are in full agreement of a shorter timescale. The letter of notification to the complainant should also inform him/her of their right to be accompanied by a friend/relative who can act as an advocate. The chair should ensure that interpretation facilities for the hearing are offered and made available if required, and any other special needs e.g. disabled access. The letter should set out the procedure for the conduct of the hearing (see Annex A) and the complainant's right to submit further written evidence to the committee.
4. The clerk should invite the Headteacher to attend the hearing and to submit a written report for the committee in response to the complaint. The Headteacher may also invite the Chair of Governors or any other members of staff directly involved in matters raised by the complainant

# The Chantry School Complaints Procedure

to respond in writing and/or in person to the complaint. Any involvement of other staff should be at the discretion of the chair of the committee.

5. All relevant documents should be received by all parties, (including the complainant) at least five school days before the meeting of the panel. This provides adequate opportunity to read them prior to the start of the meeting. If important new documents or evidence has to be submitted after this point up to the beginning of the meeting of the panel, the commencement of the proceedings may be delayed until all stakeholders can agree to continue up to a maximum of 5 school days. No new evidence or documents may be submitted once the proceedings are underway.

6. An officer from the Education Funding Agency and/or a professional advisor may be invited to attend the meeting to advise the committee.

7. The panel should elect a chairperson who should ensure that proper minutes of the meeting are taken.

8. The chair of the panel should try to ensure that the proceedings are sufficiently informal as possible and that the complainant and other participants feel at ease.

9. The Chair will ensure that The Panel will only hear evidence and facts relating directly to the original written concern or complaint brought by the complainant. Verbal evidence must be corroborated with documentary evidence. Witnesses must be in person so that their testimony can be questioned if necessary.

10. At the conclusion of the representations and questions, the chair should explain that the panel will consider the issues and write to both parties within 5 school days.

11. All except for the governor's panel and any advisers should then withdraw and the panel should consider the evidence. This should include: a judgement about the validity of the complaint; appropriate action to be taken by the school and/or the parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.

12. The school should ensure that a copy of all correspondence and notes is kept confidentially on file in the school. This should be separate from students' personal records.

13. The broad outcomes recommended by the panel can be reported to the next full governing body or appropriate committee with the identity of all those taking part kept confidential. The governing body should monitor implementation of the recommendations.

## **THE ROLE OF THE EDUCATION FUNDING AGENCY**

The primary responsibility for resolving complaints rests with the governing body.

Complainants that are not satisfied with the way in which their complaint has been handled by the school, are to be made aware of the Education Funding Agency complaints system which can be found at the following:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/557407/Complain\\_about\\_an\\_academy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/557407/Complain_about_an_academy.pdf)

# The Chantry School Complaints Procedure

## **ANNEX A Model Procedure for the Conduct of a Stage 3 Governors Panel Hearing**

1. The chair of the committee should invite all parties (except any witnesses) into the room, introduce them and explain the role of each person.
2. The chair should explain to all present that the purpose of the hearing is to review the complaint and try to resolve it and achieve reconciliation between the school and the complainant. However, it may only be possible to establish the facts of a situation and make recommendations about future action.
3. The chair should then ascertain whether the proposed procedure is acceptable. If so, the meeting will proceed along the following lines-
  - i. The complainant describes her/his complaint and may call witnesses.
  - ii. The Headteacher may seek clarification from the complainant and any witnesses.
  - iii. The governors' panel or its advisers may seek clarification from the complainant and any witnesses.
  - iv. The Headteacher will respond to the complaint and may call witnesses.
  - v. The complainant may seek clarification from the Headteacher and any witnesses.
  - vi. The governors' panel (including any Advisers) may seek clarification from the Headteacher and any witnesses.
  - vii. The Headteacher will be given the opportunity to sum up.
  - viii. The complainant will be given the opportunity to sum up.
  - ix. Both parties will leave the room to allow the panel to deliberate but any advisers may remain to offer technical and procedural advice.
4. The panel should make a decision or judgement on:-

the validity of the complaint; appropriate action to be taken by the school and/or parent; and where appropriate, recommendations on changes to the school's systems or procedures to ensure similar problems do not arise in the future.

5. The decision or judgement will be confirmed in writing within 5 school days.

NB If there is more than one complainant this procedure should be followed for each one in turn, unless the complainants agree to the complaint being held concurrently.

## **ANNEX B Dealing with Complaints about Racism in Schools**

1. Racist Behaviour to a Child or Student

The procedures to be followed are stipulated in the guidance on reporting bullying as identified by the nine characteristics of the Equality Act 2010.

2. Racist Incident Alleged Against School Staff

- i. The report/complaint should be made to the Headteacher, or if the head teacher is the subject of the report/complaint, to the Chair of Governors;
- ii. As racism is a disciplinary offence, the normal disciplinary procedures are followed.

3. Institutional Racism

Parents who perceive that racist practice or policies are operated by the school should pursue these through the General Complaints Procedure

# The Chantry School Complaints Procedure

## Annex C Policy for Unreasonable Complainants

The Chantry School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Chantry School defines unreasonable complainants as *'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of their or other people's complaints'*.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;
- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media, such as in social media websites and newspapers.

## **The Chantry School Complaints Procedure**

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues the headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after 6 months.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from The Chantry School.

# The Chantry School Complaints Procedure

ANNEX D

## Complaint Form – For use at stage 2 (Formal Complaint)

Please complete and return to the headteacher who will acknowledge receipt and explain what action will be taken.

Your name:

Pupil's name:

Your relationship to the pupil:

Address:

Postcode:

Day time telephone number:

Evening telephone number:

Please give details of your complaint.

## The Chantry School Complaints Procedure

**What action, if any, have you already taken to try and resolve your complaint.**

**(Who did you speak to and what was the response)?**

**What actions do you feel might resolve the problem at this stage?**

**Are you attaching any paperwork? If so, please give details.**

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

# The Chantry School Complaints Procedure

## ANNEX E

